

## CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date: 1/27/72 (3rd. Pty. Def.)

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS					
Carolyn J. Glass, Mary E. Glass, as Mother and Next of Kin of Kenneth Eldon Glass, minor  vs  United States of America  Defendant and third-party plaintiff  VS  REBECCA FRANCES GLASS, Third-Party Defendant		<b>For plaintiff:</b> Todd & Aston <sup>#12</sup> 3733 S. 31 <sup>st</sup> St. <del>2190 S. Sheridan Road</del> 749 2265 Tulsa, Oklahoma 74103 <del>45</del> <del>838</del> <del>3338</del>  <b>For defendant:</b> Nathan G. Graham Robert P. Santee Edward O. Monnet (Glass) Murdock, Schwabe & Monnet 405 Mid-Continent Bldg. Tulsa, Okla. 74103					
STATISTICAL RECORD	COSTS		DATE	NAME OR RECEIPT NO.	REC.	DISB.	
J.S. 5 mailed 5-1-71	Clerk		4-23-71	Todd	15 00		
J.S. 6 mailed 12-1-73 - liable issue -	Marshal		4-29-71	C.D.No.48		15 00	
Basis of Action: Recovery of money due on Natl. Serv. Life Ins. Policy	Docket fee Witness fees						
Action arose at:	Depositions						

DATE	PROCEEDINGS	Date Order or Judgment Noted
4-23-71	Complaint, filed. Summons issued. m	
4-26-71	Return on summons, filed. Served U.S. Dist. Atty & Atty. Gen. on 4-23-71; served Regional Director, Vet. Adm. in Muskogee, Okla. on 4-23-71. (Fees: \$6.00)m	
6-16-71	Motion for enlargement of time within which to answer or otherwise plead, with brief in support, filed. m	
6-17-71	It is ordered that the defendant, USA, have from June 22, 1971, to and including July 22, 1971, within which to answer or otherwise plead, filed. (AEB-J) v	
7-22-71	Answer, filed. m	
8-18-71	Motion for leave to file third-party complaint by Deft., USA, filed. v (With Brief as a part of pleading.)	
<del>8-25-71</del>	<del>Order by Court that Pltff. is granted 10 days from this date to respond to Deft.'s Motion for leave to file third-party complaint. (AEB-J)v</del>	
8-18-71	Order filed that the U.S. is allowed to file its 3-party complaint against Rebecca Frances Glass and obtain service by process personally or by publication. (AEB-J)h	
8-25-71		
9-9-71	Third-Party Complaint filed. Summons issued. r	
9-14-71	Return on service of summons on third party defendant, filed. Served Rebecca Frances Glass on 9-13-71 at Fort Worth, Texas. \$6.64) ds	
10-1-71	Motion to dismiss of third-party deft. Rebecca Frances Glass, filed. (With brief in support)	
10-1-71	Ordered that parties file responsive brief to above motion to dismiss within 10 days. (AEB-J)m	
10-12-71	Responsive brief to motion to dismiss of Third-Party Deft by the Pltff., Filed. r	
10-12-71	Deft's Response to Motion to Dismiss, filed. r	
10-12-71	Amendment to third party complaint, filed. v	
10-28-71	Summons ret. & filed: served Edward O. Monnet at Tulsa, 10-28-71 (\$3.00)g	
11-8-71	Motion for more definite statement by Rebecca Frances Glass, 3rd party defendant, filed. ds	
11-8-71	Motion to dismiss of 3rd party defendant, Rebecca Frances Glass, filed. ds	
11-8-71	Brief in support of 3rd party defendant's motions, filed. ds	
11-8-71	Ordered by the court that parties file responsive brief to above motions for more definite statement, and to dismiss, of 3rd party defendant, within ten days of this date. (AEB-J) ds	
11-17-71	Response to motion for more definite statement and to motion to dismiss, by third party defendant, Rebecca F. Glass, filed. v	
1-11-72	Ordered that Magistrate conduct hearing on deft's motion to dismiss of Rebecca Frances Glass and deft's motion for more definite statement by Rebecca Frances Glass. (AEB-J)hm	
1-11-72	Hearing held on above motions. Motion to dismiss of deft. Rebecca Frances Glass denied; motion for more definite statement of deft. Rebecca Frances Glass denied and pltf. counsel, Mr. Graham, to prepare recommendation and formal order within 5 days. (MLB-Mag)(Millie Ballard-CSR)hm	
1-14-72	Recommendation of United States Magistrate that the Motions of Third Party Deft., Rebecca Frances Glass, for a more Definite Statement be denied--to Dismiss the Action as it pertains to her--be denied, filed. (MLB-U.S.Mag.)v	
1-18-72	Order, filed, that motions for a more definite statement and to dismiss made by 3rd-party deft. Rebecca Frances Glass are denied & recommendation of Magistrate is accepted. (AEB-J)hm (copies mailed)	

DATE	PROCEEDINGS	Date Order or Judgment Noted
1-27-72	Answer of 3rd party defendant, filed. ds w/REQUEST FOR JURY TRIAL	
2-1-72	Motion of pltfs. for summary judgment, filed. rm	
2-1-72	Memorandum brief in support of motion for summary judgment, filed. rm	
2-1-72	Ordered that defendants' be granted 10 days in which to respond to pltfs. motion for summary judgment. (AEB-J) rm	
<del>2-2-72</del>	<del>Application of pltf. to extend time to file responses to defts' motions, filed. hm</del>	
2-11-72	Response of Third Party Deft., Rebecca Frances Glass, to Pltf.s' Motion for Summary Judgment, filed. v	
2-14-72	Response of United States of America to Plaintiff's Motion for Summary Judgment, filed. v	
3-14-72	Ordered that Magistrate conduct hearing on pltfs' motion for S/J. (AEB-J)hm	
3-14-72	Hearing held on plts' motion for S/J. Motion denied & deft. counsel to prepare order within 5 days. Magistrate denies pltfs' counsel oral request for a finding of any cause of death of the deceased. (MLB-Mag)hm	
4-3-72	Recommendations of magistrate, filed. (MLB-Mag) ds	
4-3-72	Order filed, that parties be notified that they have 10 days to object to recommendations of U.S. Magistrate, such objection to be accompanied by a brief. If no objections are filed within ten days, such objections shall be waived, and the Court will enter an order adopting and affirming the recommendations of the Magistrate. (AEB-J) ds <i>sup. to pltf.</i>	
4-14-72	Order, filed, approving recommendations of Mag., and overruling pltf's motion for S/J. (AEB-J)hm (copies mailed)	
5-26-72	Parties directed to hold pre-trial prior to 7-10-72 and file pre-trial order not later than 7-18-72. (AEB-J)hm	
7-31-72	Pre-trial order filed. (AEB-J)h	
11-13-72	Ordered that case is referred to Magistrate Bradford for pre-trial hearing. (AEB-J)hm	
11-14-72	Case set for PT hearing 11-21-72 at 1:30 p.m. (MLB-Mag)hm	
11-21-72	Pre-trial hearing held before Magistrate and matter taken under advisement. (MLB-Mag)hm	
3-16-73	Magistrate's Report on Pre-Trial Hearing, filed. (MLB-Mag)jj	
3-30-73	Case set for jury trial on Monday, Apt. 23, 1973 at 10:00am. (AEB-J)h	
4-16-73	Amended Answer of 3rd-rd party defendant filed (with O.K. of opposing counsel) ds	
4-16-73	Third-Party def's requested instruction # 1 filed.h	
4-23-73	Brief of Third-Party Deft. on proposition that her prior criminal conviction cannot be used or introduced in the pending case, filed. g	
4-23-73	Case called for jury trial and stricken. Parties present and represented.h Parties waive jury, and case passed to next jury docket. Third party defendant directed to file brief, plaintiff and def. to respond. (AEB-J)h	
5-31-73	Brief of plaintiffs, filed. rm (approved to file on short paper. MC)	
6-25-73	Brief of the U.S.A., filed. v	

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DATE	PROCEEDINGS	Date Order or Judgment Noted
11-13-73	Findings of Fact and Conclusions of Law, filed. (AEB-J)v -cps mld.	
11-13-73	Judgment is entered in favor of the Pltfs. & against the Deft. in sum of \$10,000.00. Judgment is entered in favor of third party Deft. & against the Deft. and third party Pltf., filed and entered. The Veterans Administration shall pay 10% of amount recovered to Pltfs' Attys, which amount Ct. finds to be reasonable fee. (AEB-J)v -copies mld. 11-15-73.	
1-9-74	Notice of appeal by United States, filed. cpy to USCA, Todd & Aston and Monnet)g	
1-30-74	Appl. of USA for ext. of time to transmit appeal record, w/brief, filed. rm	
, 1-30-74	Amended Judgment, filed and entered. Judgment is entered in favor of Pltfs & against Deft., U.S.A., for Ntl. Service Life Insur- to be paid to Pltfs. by the V.A. The V.A. shall deduct an amount, 10% thereof, & shall pay the same to Todd, Aston & Crockett, counsel for Pltfs. Judgment is further rendered in favor of Rebecca Frances Glass, 3rd party Deft., & against the Deft. & 3rd Party Pltf., U.S.A. Judgment entered herein on 11-13-73 is vacated & set aside, & this Amended Judgment is entered in its stead. The Findings of Fact & Conclusions of Law filed on 11-13-73 are to remain the same. (AEB-J)v	
1-31-74	Order ext. time to docket appeal to 4-9-74, filed. (AEB-J)g cpies to counsel & USCA.	
3-21-74	Notice of appeal by U.S. from amended judgment of 1-30-74, filed. g	
3-21-74	Appeal record (1 vol.) sent to USCA. g	
1-6-75	Mandate & Opinion of USCA affirming amended judgment of 1-30-74, filed & spread of record. g	
1-15-75	Appeal record (1 vol.) rec'd from USCA. g	